

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JASON A. ZANGARA

Plaintiff,

V.

National Board of Medical Examiners (NBME)

Defendants.

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CIVIL ACTION NO._____

Order To Show Cause Why A Preliminary Injunction Should Not Be Issued

Temporary Restraining Order

Plaintiff Jason A. Zangara, Pro Se, has filed a Complaint for Injunctive and Other Equitable Relief to address the Defendants alleged violations of Americans with Disabilities Act (“ADA”), Pub.L. 101-336, Title III, 42 U.S.C. § 12181 et seq. and others. Plaintiff has also moved, pursuant to Rule 65 of the Federal Rules of Civil Procedure for an Ex Parte Temporary Restraining Order and for a Preliminary Injunction.

FINDINGS OF FACTS

Upon consideration of the Plaintiffs motion, certifications, and exhibits filed in support thereof, the court finds that:

1. This Court has original jurisdiction over the parties to this matter and this Court has jurisdiction to issue the requested relief pursuant to 28 U.S.C. §§ 2201 and 28 U.S.C. §§2202
2. Venue is proper under 28 U.S.C. § 1391 (b) because all relevant events giving rise to this claim have occurred in this judicial district.
3. The Complaint states a claim under the Americans with Disabilities Act (“ADA”) with Plaintiff claiming he belongs to a protected class and his rights under this act are being violated.

4. There is good cause to believe that the Defendants have engaged in and are likely to engage in acts and practices that violate the Americans with Disabilities Act (“ADA”) and its applicable provisions to the matter at hand. These actions include the scoring of Plaintiffs examinations by Defendant in a manner inconsistent with the intent of the Americans with Disabilities Act (“ADA”). Specifically the Defendants are comparing Plaintiffs performance to others who sit for the exam, not independently as required by law. The evidence set forth in the Plaintiffs Ex Parte Application for a Temporary Restraining Order and for a Preliminary Injunction, and in the accompanying complaint with exhibits, shows that the Plaintiff is likely to prove that the Defendants have repeatedly violated these statutes and have engaged in a course of illegal activity.

5. There is good cause for the Court to order the Defendants to cease and desist from any further illegal activities including but not limited to the Defendants, through their agents, servants and/or employees/contractors, from continuing to violate the applicable provisions of the Americans with Disabilities Act (“ADA”) Accordingly, a Preliminary Injunction is reasonably necessary at this time.

6. Upon review of the information submitted with Plaintiffs application the court _____ believe that Temporary Restraining Order is required at this time effective immediately.

IT IS HEREBY ORDERED that the Plaintiffs motion for a Preliminary Injunction is **GRANTED** and the Defendants are enjoined from performing the above activities including continuing to violate the Americans with Disabilities Act (“ADA”) by scoring Plaintiffs exams against any other group or test takers in a manner that does not accurately reflect his own abilities to practice medicine. Plaintiffs exams are to be scored objectively to determine passing

or failing not his relation to the performance of others, on a curve, using percentiles or any other method.

IT IS FURTHER ORDERED that the Plaintiff shall serve a copy of this order to Defendants within _____ days upon receipt

IT IS FURTHER ORDERED that Defendants must file any brief with the clerk's office and serve upon Plaintiff no later than _____ showing why a Preliminary Injunction should not be issued

SO ORDERED, this ____ day of _____

HON.
UNITED STATES DISTRICT JUDGE
FOR THE DISTRICT OF NEW JERSEY